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The Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

In the Matter of MM Docket No. 04-233

Dear Secretary,

Thank you for the opportunity to comment on the "Report on Broadcast Localism and Notice of Proposed Rulemaking" released January 24, 2008 in MB Docket No. 04-233.

My involvement with broadcasting began at a small college in Virginia that had a 10-watt NCE station. From there I moved into management of a commercial AM and FM stations in Nebraska to ownership of KNLR, a "stand-alone" FM in Bend, Oregon and several fill-in translators in nearby communities. Our company has recently agreed to purchase an unbuilt construction permit for Prineville, Oregon also a nearby community. Thus I can speak with some history, experience and insight regarding the inquiry now at hand.

Historically the Commission has licensed stations to serve specific communities although radio waves by their very nature extend in many directions far beyond the City of License. Today the concept of "community" may refer not only to geo-political boundaries but invisible sociological or cultural affinities which may extend well beyond the geo-political boundaries. Today the socio-economic fabric of smaller communities is more closely woven into the fabric of larger nearby metro areas than it was 50 or even 25 years ago. This can be observed by comparing the number of businesses, stores

and services in small towns 50 years ago to the number today. In most cases that number has dropped significantly while the population has increased significantly. This coupled with the fact the Commission relaxed the "main-studio" and permitted an increase in the number of overlapping broadcast signals which could be owned by a licensee has given rise to the co-location of studios and in some cases transmitting facilities of stations licensed to differing cities of license.

Even before consolidation and co-location, signals and programming from another City of License often met the needs of listeners. Listeners are far less concerned with where the programming is originating but rather if the programming is satisfying their needs. Today many listeners can listen to programming on the internet that may originate on the other side of the globe and the programmer may have no idea where the community in which the listener lives is located much less the needs of that community. Perhaps today, programming to a specific geo-political community may be more of a "regulatory" need than a listener need. What would happen to Internet radio if the programming rules that apply to traditional "over-the-air" stations were applied to it? Or consider KRDM. Its City of License is Redmond, Oregon. Yet this station is a Hispanic language station and serves the needs of Hispanic residents all over Central Oregon. Radios have dials but dials are not calibrated by City of License!

Reinstating the requirement to locate the main studio within the City of License would require additional expense that is not likely to be sustained from advertising revenues gleaned from the City of License, particularly smaller cities and towns. Our company has agreed to purchase and build an FM construction permit for the nearby small town of Prineville, Oregon. Under the present main studio rules we will be able to program this station from the existing main studio of KNLR in the larger, geographically separate community of Bend, Oregon. And while Prineville is certainly separate and distinct, it is undeniably closely tied with the larger community of Bend. People drive from Prineville to Bend to work, play and shop. Presumably the construction permit would have remained unbuilt as the permittee had decided not to pursue

construction of the station for a variety of reasons. When built, this station will provide service not only to Prineville but also to a number of adjacent communities as well. If the Commission decides to require the main studio for this station to be located within the City of License, we expect that will not be able to afford to maintain a separate studio and staff for the station.

Central Oregon is unique in that it is a large area separated from Oregon's larger population centers by mountains and deserts. There are many residents outside of the immediate Central Oregon area which have few choices for radio programming. Instead of restricting the rules regarding staffing and location of main studios, I urge the Commission to further relax the rules...particularly regarding main studio location. Here's why. There are many locations outside of populated areas of Central Oregon that could be served with quality programming if there were a way to deliver it. Case in point: The North Lake County area comprised of Christmas Valley, Fort Rock and Silver Lake, is a sparsely populated area. Residents are primarily ranchers and farmers, producing cattle and high quality alfalfa hay. A number of years ago a local group established a translator station (K240BX) to rebroadcast the signals of our station KNLR. This tiny translator does an amazing job as long as it is line-of-sight and the receiver has a good antenna. However a stronger signal would better penetrate buildings and shadowed terrain. Under the present rules the power output of the translator can not be increased. An FM station could be constructed, but under the present rules it is much too far to co-locate its main studio with the studio of KNLR. And there is simply not be enough advertising revenue from the above mentioned communities to maintain a studio and staff in the City of License and will not be for the foreseeable future. The same situation exists in other communities near and around Central Oregon. Gilchrist, Crescent, Chemult, Hampton, Maupin, Riley and Paisley are examples of such communities. Therefore I urge the Commission to further relax the rules regarding main studios or at a minimum allow studio waivers for commercial stations as it is already doing for non-commercial stations.

In its Notice, the Commission considers specifically returning to a

requirement that a station be staffed at all times. While there may be minimal benefits in such a requirement it is unnecessary and in many cases may actually diminish the over-all service provided by the station. The Commission has required all stations to install and maintain equipment which would interrupt regular programming in the event of an emergency of national importance should the President of the United States request activation of the Emergency Alert System. Many of the Commission's licensees (ours included) have also voluntarily agreed to make their stations available in the event of state, regional or local emergencies via the same equipment.

In Central Oregon the Emergency Alert System has been utilized a number of times in the past several years for evacuation notices due to wild-fire, Amber Alerts and severe thunderstorm warnings. (Tornadoes seldom occur in this part of the country.) When events such as evacuations occur at times when stations are not staffed stations immediately respond by sending one or more persons to their studios to provide additional information as it becomes available for as long as needed. Our 911 Center in Deschutes County has installed an EAS encoder and maintains a circuit to one of the FM stations which is required monitoring in our local EAS Plan. Thus local officials can initiate an alert without contacting broadcast personnel.

One side note, even though a station has staff at a station during an emergency, there is no guarantee that information will be available to broadcast. It is very difficult and sometimes impossible particularly in the early stages of an emergency to obtain reliable and timely information since agencies handling the emergency are "ramping up" and not all of their personnel are in place nor do they have an accurate assessment of the emergency particularly in the case of wild-fires.

At our station we have means of accessing the studio remotely to provide updated information when it is warranted. During winter weather when snow forces school delays or cancellation audio files can be recorded at home and exported to the station automation system thus providing the information to listeners. Not just for

schools in Bend, the City of License, but for all schools within the listening area.

Requiring stations to staff 24/7 could actually diminish the ability of officials to reach listeners in that some stations may elect to "sign off" the station at night rather than incur the additional expense and potential economic loss by hiring additional staff. In the early years of KNLR we did sign off at night....first at 10 PM then later at midnight. When we began operations 24/7 it was with the aid of automated equipment. Licensees who wish to succeed will not only meet the needs of their listeners but will do so in the most efficient manner possible if the Commission will not artificially restrict them.

I am very concerned with the Commission's proposal to return to some type of community ascertainment or programming board. In the past the Commission has indicated that while stations must meet needs in a community it did not need to meet all the needs in a community since there are multiple voices providing programming to a variety of needs. I agree with that concept. Our station will meet some needs that other stations in the Central Oregon will not meet. Other stations in Central Oregon will address needs that our station doesn't. There will always be groups within communities who will "Monday-morning-quarter-back" the programming efforts of a station but in the long run the successful station will meet the needs of its listeners or listeners will find stations, which do. In the American system of economics and politics let the marketplace decide!

I and my fellow religious broadcasters are extremely concerned that programming advisory boards and even a future FCC could attempt to "force" stations to broadcast programming, which conflicts with the mission and purpose of a station. Freedom of speech must extend not only to individuals but to the Fifth Estate as well.

I urge the Commission not to return to the regulation of the past. However, should the Commission do so the Commission must address the high cost of obtaining a license to broadcast. There is no way that small and medium communities can produce sufficient revenues

to support the present system of acquiring licenses via auction and then operate them with a local studio staffed 24/7. At a minimum the granting of licenses should be on a "demand first-come-first-service basis" to avoid the costs of auctions or comparative hearings and without application or regulatory fees. The Commission should also return to the requirement that stations be operated for 3 years before being allowed to sell to reduce speculative opportunists.

Respectfully submitted,

Cowan Broadcasting, LLC

Terry Cowan  
Member